

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RUSSELL ZINTER; JACK MILLER;  
BRIAN HOWD; JAMES A. MEAD;  
JOSEPH BRANDON PIERCE; MARK BROWN;  
DAVID BAILEY; JUAN GONZALES JR.;  
KEVIN EGAN; JONATHON GREEN;  
JAMES SPRINGER

Plaintiffs,

VS.

CIVIL ACTION NO. 5:18-CV-0680-FB

CHIEF JOSEPH SALVAGGIO;  
LIEUTENANT DAVID ANDERSON;  
DEPUTY JANE DOE GOLDMAN;  
OFFICER JOHNNY VASQUEZ;  
CPL CHAD MANDRY; SERGEANT JOHN DOE;  
OFFICER JIMMIE WELLS; CPL. LOUIS FARIAS,  
BADGE 534; OFFICER BRANDON EVANS,  
BADGE 556; OFFICER UZIEL HERNANDEZ;  
JOHN DOE TASER 1; JOHN DOE TASER 2 AND  
THE CITY OF LEON VALLEY, A POLITICAL  
SUBDIVISION OF THE STATE OF TEXAS

Defendants.

**DEFENDANT CHIEF SALVAGGIO, LT. ANDERSON AND OFFICERS VASQUEZ,  
MANDRY, WELLS, FARIAS, EVANS AND HERNANDEZ' OBJECTIONS TO  
SUBPOENAS AND MOTION TO QUASH**

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER:

NOW COME CITY OF LEON VALLEY CHIEF OF POLICE JOSEPH SALVAGGIO, LT. DAVID ANDERSON AND OFFICERS JOHNNY VASQUEZ, CORPORAL CHAD MANDRY, OFFICER JIMMIE WELLS, CORPORAL LOUIS FARIAS, OFFICER BRANDON EVANS and OFFICER UZIEL HERNANDEZ, Individual Defendants in the above entitled and numbered cause and files this their Objections to Subpoenas dated September 21, 2018 and received by Defendants on September 27, 2018 (herein attached as Exhibit A).and Motion to Quash said subpoenas pursuant to Rule

45, Federal Rules of Civil Procedure in support thereof would respectfully show unto the Court the following:

### I.

Defendants **CHIEF SALVAGGIO, LT. ANDERSON AND OFFICER VASQUEZ, CORPORAL MANDRY, OFFICER WELLS, CORPORAL FARIAS, OFFICER EVANS and OFFICER HERNANDEZ** on September 27, 2018 Defendant's counsel received an email with attached subpoenas which are incorporated by reference to this Motion as Exhibit A. Defendants object and move to quash said subpoenas under Rule 45(b)(1) for being defective. *In Re Dennis*, 330 F.3d 696, 704 (5<sup>th</sup> Cir. 2003); *Seals v. Shell Oil Co.*, 2013 W.L. 3070844 (E.D. La. June 17, 2013).

### II.

Defendants **CHIEF SALVAGGIO, LT. ANDERSON AND OFFICER VASQUEZ, CORPORAL MANDRY, OFFICER WELLS, CORPORAL FARIAS, OFFICER EVANS and OFFICER HERNANDEZ** Object and move to quash Plaintiffs' Subpoenas (Exhibit A) pursuant to Rule 45(d)(2)(b) of the Federal Rules of Civil Procedure and 45(d)(3) as being overbroad and not proportional to the needs of the case. *American Federation of Musicians of the United States and Canada v. Scodham*, 313 F.R.D. 39, 44 (N.D. Tex. 2015).

**WHEREFORE, PREMISES CONSIDERED**, Defendants **CHIEF SALVAGGIO, LT. ANDERSON AND OFFICER VASQUEZ, CORPORAL MANDRY, OFFICER WELLS, CORPORAL FARIAS, OFFICER EVANS and OFFICER HERNANDEZ** pray that their objections and Motion to Quash be in all things granted and for such other and further relief as they may show themselves justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS **CHIEF OF POLICE**

**JOSEPH SALVAGGIO, LT. DAVID ANDERSON AND**

**OFFICERS JOHNNY VASQUEZ, CORPORAL CHAD MANDRY,**

**OFFICER JIMMIE WELLS, CORPORAL LOUIS FARIAS,**

**OFFICER BRANDON EVANS AND OFFICER UZIEL HERNANDEZ**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of October, 2018, I electronically filed the foregoing Defendants Chief Salvaggio, Lt. Anderson and Officer Vasquez, Corporal Mandry, Officer Wells, Corporal Farias, Officer Evans and Officer Hernandez' Objections to Subpoenas and Motion to Quash with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Charles S. Frigerio

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